



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 24.12

Subject: Access to Legal Counsel for Youth in Youth Development Centers

Supersedes: DCS 24.12, 01/01/04

Local Policy: No

Local Procedures: Yes

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

A handwritten signature in cursive script, reading "Linda P. Miller", is positioned to the right of the "Approved by:" label.

Effective date: 08/01/99

Revision date: 04/01/05

Application

To All Department of Children's Services Youth Development Center Superintendents and Employees

Authority: TCA 37-5-106; John L. v. Adams, 969 F.2d 228.

Policy

The youth development center superintendent's/designee shall ensure that attorneys will be granted access to youth in all youth development centers for the purpose of interviewing, consultation and providing confidential legal services to youth.

Procedures

A. Youth's notification of access to *John. L.* attorneys

1. The Department, as required by John L. v. Adams, contracts with attorneys to provide legal advice to youth placed at the youth development centers.
2. All youth in the youth development centers shall be notified of access to the *John. L.* attorneys during the youth's orientation to the youth development center.
3. The names of the *John. L.* attorneys, along with addresses and telephone numbers, will be included in the youth handbooks, posted in the dorms, and provided upon request.

4. All youth in the youth development centers will be provided, upon request, a form requesting to see the *John. L.* attorney during the attorney's next visit to the institution. At no time shall any request by a youth to meet with a *John. L.* attorney result in adverse treatment of the youth by any employee of the department.

B. Attorney access to youth

1. The youth development center superintendents/designee shall assist youth in making confidential contact with attorneys and their authorized representatives.
2. Attorneys shall be permitted access to youth during the hours established by the youth development center between 8:00 a.m. to 4:30 p.m., Monday through Friday.
3. The youth development center superintendent or designee shall make every reasonable effort to provide a room where an attorney can meet confidentially with a youth. In the event that a youth must be maintained under visual supervision, a meeting place shall be provided in which others cannot overhear the discussion between the youth and attorney.
4. Unless specifically authorized by the youth development center superintendent or designee, all meetings between attorneys and youth shall be one-on-one.
5. Attorneys who desire access must contact the facility superintendent or designee in advance of the intended visit to receive entry into the facility
6. If the youth is not a client or potential client, and if access is not otherwise required by law, the youth shall be required to complete form CS-0559, *Authorization For Release of Child-Specific Information From the Department of Children's Services and Contract Providers*, or CS-0318 *Legal Aid Request*, as appropriate, before the attorney is permitted access to the youth.
7. An attorney who enters a youth development center facility shall be subject to routine visitor search procedures. Attorney briefcases may be searched for contraband, but documents therein shall not be read or reviewed.
8. Any request by an attorney or designee to tour a facility shall be approved in advance by the youth development center superintendent. The superintendent shall consult

with the DCS Director of General Counsel prior to approving the request.

9. Attorneys seeking access to any youth must provide identification and proof of licensure as an attorney before visiting with the youth.

C. Emergency access to youth

1. Under emergency situations, reasonable attempts shall be made to provide attorneys access to youth during days/hours other than described in A. 2.
2. Attorneys who desire emergency access must contact the facility superintendent or designee in advance of the intended visit to obtain permission to enter the facility; however, failure to make advance arrangements shall not in itself preclude access if, in the opinion of the facility superintendent or designee, such a visitation request can reasonably be accommodated.

D. Denial of attorney access

1. The youth development center superintendent or designee may deny an attorney's access to a facility if the attorney's identity cannot be satisfactorily verified or if such access would pose a threat to the safety and security of the facility or would otherwise unduly disrupt the orderly management and operations of the facility.
2. A youth has the right to refuse to meet with or to be interviewed by an attorney unless required by law.

Forms/Templates

CS-0318 Legal Aid Request

CS-0559 Authorization For Release of Child-Specific Information From the Department of Children's Services and Contract Service Providers

Collateral Documents

None

Standards

ACA 3-JTS-3D-02

DCS Practice Model Standard- 8-306

DCS Practice Model Standard- 9-203